

Jesper Rasmussen
Director, Flight Standards Directorate

Mr Marshall S. Filler
Managing Director & General Counsel
ARSA
marshall.filler@arsa.org

EDIA/RER/FS 1

Subject: Release to service of aircraft with prototype parts following design approval.

Reference: Your letter dated 20 November 2020

Dear Mr Marshall,

In response to your letter dated 20 November 2020 in which you seek EASA's clarification to some questions, I would like to provide you with the following information.

a) Overview of the current regulatory framework

The EASA Form 1 'NEW' is the tool established by Regulation (EU) No 748/2012¹ (IAW Reg) to be used by the production organisation to attest to the "user/installer" that the component identified on the form was produced in accordance to approved design data and is in a condition for safe operation. When the production follows non-approved design data, an EASA Form 1 can be used but the instructions for the use of this certificate in the IAW Reg² establishes that the box 'non-approved design data' must be ticked and the word 'PROTOTYPE' must be stated instead of 'NEW'. In this case, the organisation identified in such certificate, i.e. the production organisation in the EU framework, will re-certify the item to 'NEW' when the applicable design data has been approved, only if the design data has not changed. The regulation describes what additional information must be provided in the EASA Form 1 to make clear this re-certification process.

Coming now to the "user/installer", the task of a maintenance organisation approved in accordance with Annex II (Part-145) of Regulation (EU) No 1321/2014 (CAW Reg) is to perform the maintenance ordered by the owner/continuing airworthiness management organisation (CAMO) with the ultimate goal of keeping the aircraft and component airworthy. For the case in discussion, this means using approved data when accomplishing a modification and installing components with the appropriate

¹ Point 21.A.307 of Annex I (Part 21) to Regulation (EU) No 748/2012

² Appendix I of Annex I (Part 21) to Regulation (EU) No 748/2012

certification that attests its conformity with the approved design data. These are preconditions, although not the only ones, to issue a certificate of release to service³ after maintenance.

Compliance with the EU regulations as a whole allows proper assurance not only to the maintenance organisation about the standard of the installed component, but to the owner/CAMO of the airworthiness status of the aircraft. The appropriate certificates are needed to comply with their obligations to continuously manage the configuration of the aircraft, including those of record keeping⁴. And as a side effect in case of future transfers to a non-EU register, the owner benefits from the wide acceptance of EU regulation, including EASA Form 1, not only from safety perspective but to facilitate commercial discussions.

b) Overview of Good Practice “Coordination between Design and Maintenance. First installation of a change to a product”

EASA recognises that the first installation of a change to a product might be challenging without the contribution of an approved maintenance organisation and, consequently, published in 2012 the Good Practice referred to in your letter. This Good Practice should be understood as an EASA guide to industry and competent authorities to facilitate a close coordination between the affected organisations while accomplishing the change to the product. But this document cannot contradict the EU regulation and, while allowing the maintenance organisation to initially install a component in ‘PROTOTYPE’ status, a re-certification of the component by the appropriate organisation is needed before the final certificate of release to service.

I hope this information proves helpful to address your questions linked to the understanding of the EU regulatory framework and the additional guide provided in the Good Practice.

Finally, as some elements of your letter makes us think it relates to the same approved organisation with which we are currently holding some meetings on the same topic, we encourage you – for the sake of efficiency – to check the development of this discussion with that ARSA member.

Yours sincerely,



Jesper RASMUSSEN

cc: Rachel Daeschler

³ Point 145.A.50 of Annex II (Part-145) to Regulation (EU) No 1321/2014

⁴ Point CAMO.A.220 of Annex Vc (Part-CAMO) or point M.A.714 of Subpart G of Annex I (Part-M) to Regulation (EU) No 1321/2014, that makes reference to the point M.A.305